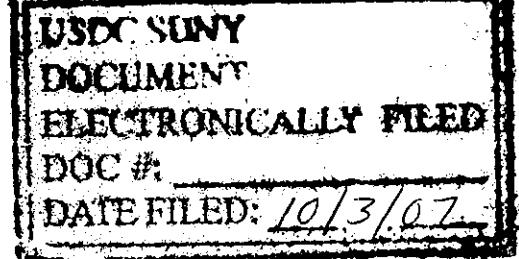


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x -----  
BERT VLADIMIR, individually and on behalf of all :  
others similarly situated,

: 07 Civ. 6416 (SHS) (AJP)

Plaintiff,

: **ORDER**

-against-

BIOENVISION, INC., CHRISTOPHER B. WOOD :  
& JAMES S. SCIBETTA,

Defendants. :

----- x -----

**ANDREW J. PECK, United States Magistrate Judge:**

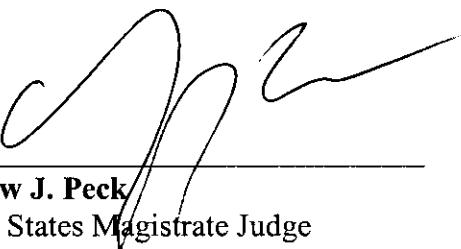
1. Mr. Thesling is to provide, by October 9, 2007, a notarized or otherwise properly sworn certification since, as plaintiff Johnson properly points out, the September 21, 2007 Thesling "Certification" is not sworn to before a notary or properly sworn under penalty of perjury.

2. Defendants are to advise the Court by October 10, 2007 whether, if the Court were to approve Thesling as lead plaintiff (alone or with Vladimir), defendants would challenge Thesling's adequacy based on his initial certification and the clarifications in the subsequent papers,

and if so, the legal basis for any such challenge.<sup>1/</sup>

SO ORDERED.

Dated: New York, New York  
October 3, 2007



\_\_\_\_\_  
Andrew J. Peck  
United States Magistrate Judge

Copies by fax & ECF to: Olimpio Lee Squitieri, Esq.  
Robert I. Harwood, Esq.  
Jason D'Agnenica, Esq.  
Alexis L. Shapiro, Esq.  
Glenn S. Kerner, Esq.  
Judge Sidney H. Stein

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<sup>1/</sup> The Court's question assumes no new facts were to arise, e.g., such as proof of an agreement by counsel to make improper payments to Thesling, an issue now in the press about a different class action law firm.